



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James P. Koch

Art Unit : 3733

Serial No. : 09/400,817

Examiner : M. Brown

Filed : September 22, 1999

Batch No. : 3842

Title : CUSTOM MOLDED CERVICAL CAP AND METHOD AND KIT FOR FORMING SAME

Commissioner for Patents  
Washington, D.C. 20231

#9  
2/13/01  
RECEIVED  
JUL -9 2001  
TIC 3700 MAIL ROOM

**TERMINAL DISCLAIMER UNDER 37 CFR §§3.73(b) AND 1.321(b)**

Pursuant to 37 CFR §3.73(b), James P. Koch certifies that he is the owner of the entire right, title, and interest in the above application. No rights have been assigned.

The undersigned has reviewed all the documents in the chain of title of the above-identified application and to the best of undersigned's knowledge and belief, title is in James P. Koch.

The undersigned is empowered to act on behalf of James P. Koch.

Pursuant to 37 CFR §1.321(b), and to obviate a potential double patenting rejection, James P. Koch hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the earlier expiration date of U.S. Patent No. 5,980,804 and U.S. Patent No. 5,510,064. Further, any patent granted on the above identified application shall be enforceable only for and during such period that said patent is commonly owned with U.S. Patent Nos. 5,980,804 and 5,510,064.

James P. Koch does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory terms of U.S. Patent Nos. 5,980,804 and 5,510,064 in the event that either of these patents later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

07/06/2001 HNDOR1 00000093 09400817

02 FC:248

55.00 0P

Date of Deposit

June 27, 2001

Signature

Julia Doherty

Typed or Printed Name of Person Signing Certificate

Julia Doherty

Applicant : James P. Koch  
Serial No. : 09/400,817  
Filed : September 22, 1999  
Page : 2

Attorney's Docket No.: 01996-005001

terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

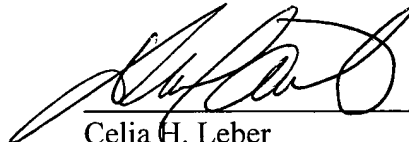
This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

Please charge any additional fees, or make any credits, to Deposit Account No. 06-1050, referencing Attorney Docket No. 01996-005001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: June 27, 2001



Reg. No. 30,175

Celia H. Leber  
Reg. No. 33,524

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

20280993